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5262

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EXAMINER

KASTLER, SCOTT R

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



### ***Claim Objections***

Claims 2, 7 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The above claims do not properly further limit independent apparatus claims 1 or 4 because the above claims recite only the manner in which the claimed apparatus (the filter) is to be employed (where the filter is to be located). It has been well settled that the manner or method of use of an apparatus cannot be relied upon to fairly further limit claims to the apparatus itself. See MPEP 2114 and *In re Casey*, 152 USPQ 235.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stankiewicz. Stankiewicz teaches an apparatus (43) for filtering molten metal in molten metal transport conduits, including dosing tubes, (see col. 3 lines 24-27 for example) including a mounting portion (11) which can be fit around and mounted to a dosing tube through it's annular portions (13) the filter body (21) including a cylindrical body (29) and planar surface (27, 31) attached to, and substantially covering the flat end (15) of the mounting portion (11), thereby defining a closed filtering surface area (enclosed body), where the filter is advantageously made

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of ceramic particles, including silicon carbide or aluminum oxide, bonded with an aluminum alloy resistant glass binder (see col. 7 lines 60-65 for example), thereby showing all aspects of the above claims.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stankiewicz. As applied to claim 4 above, Stankiewicz shows all aspects of the above claims except that the cylindrical portion of the filter have a beveled end to which the planar surface is attached. However, the filter apparatus of Stankiewicz operates in substantially the same manner with substantially similar stated results as the instant filter configurations. It has been well settled that where the applied prior art teaches a claimed apparatus or component (in the instant case, the filter), absent any demonstrated new or unexpected results arising therefrom, motivation to alter the shape or configuration of the apparatus or component already taught by the applied prior art, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made. See MPEP 2144.04 IV B, and *In re Dailey*, 149 USPQ 47. In the instant case, since no new or unexpected result has yet been shown to arise from the use of a filter configuration including a beveled end as instantly claimed, motivation to alter the filter shape of the filter (21) of Stankiewicz, to any desired shape or configuration, including the shape recited

in instant claim 6, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made.

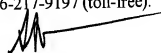
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of Tanuma et al and Outten et al are also cited as further examples of prior art casting filters for molten metal filtering.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Scott Kastler  
Primary Examiner  
Art Unit 1742